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Attorneys for Defendants

The State of Hawaii, the Honorable Kathleen Watanabe,  
the Honorable Randal Valenciano and Jonathan Chun,  
Court-appointed Foreclosure Commissioner

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

PAUL ALLEN GARCIA, KIRAH-  
SHANTEL GARCIA, KEANE  
BOBBY BRAUN,

Plaintiffs,

vs.

STATE OF HAWAII; JUDGE  
KATHLEEN WATANABE;  
JONATHAN J. CHUN; LORNA A.  
NISHIMITSU; BELLES GRAHAM  
LLP; PETER T. STONE; DAISY  
LYNN B. HARTSFIELD; ANYA M.  
PEREZ; JENNY J.N.A.  
NAKAMOTO; SUN YOUNG PARK;

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Civil No. CV 22-00432 JMS-KJM

DEFENDANT THE HONORABLE  
RANDAL VALENCIANO'S  
**SUBSTANTIVE JOINDER AND  
MOTION TO DISMISS SECOND  
AMENDED COMPLAINT WITH  
PREJUDICE; CERTIFICATE OF  
SERVICE**

Judge: Honorable J. Michael Seabright

ROBIN LYN MILLER; STEPHEN J. TRIMBLE; KEONE WAYNE SOUZA; TMLF HAWAII LLC; PENNYMAC CORP.; GARY VICTOR DUBIN; DUBIN LAW FIRM; KEN OHARA; DAVID MCALLISTER; DANIEL ALAN ROSS; ZACHARY K. KONDO; ALDRIDGE PITE LLP; HILL WALLACK LLP; SN SERVICING CORP.; ERIC A. BRAUN; 1900 CAPITAL TRUST III BY US BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS CERTIFICATE TRUSTEE; ASSOCIATION OF APARTMENT OWNERS OF KAWAIKINI ESTATES; ASSET ACCEPTANCE; CAPITAL ONE N.A., TITLE GUARANTY OF HAWAII; HONOLULU INFORMATION SERVICE, INC. DBA HONINFO, FIDELITY NATIONAL TITLE INSURANCE COMPANY; BROOKS R. BRAUN; ROBERT L. SOARES JR.; DEREK W.C. WONG, LLC, COUNTY OF KAUAI - DEPARTMENT OF WATER,

Defendants.

**DEFENDANT THE HONORABLE RANDAL VALENCIANO'S  
SUBSTANTIVE JOINDER AND MOTION TO DISMISS  
SECOND AMENDED COMPLAINT WITH PREJUDICE**

Defendant the Honorable Randal Valenciano, through Anne E. Lopez,  
Attorney General for the State of Hawai'i and her undersigned deputies,

**substantively joins** the Motion to Dismiss filed herein on May 2, 2023 by Defendants State of Hawaii, the Honorable Kathleen Watanabe and Court-appointed Foreclosure Commissioner Jonathan Chun (collectively, “State Defendants”) (*see* Dkt. 88) and seeks an order dismissing the Second Amended Complaint<sup>1</sup> filed herein on March 14, 2023 with prejudice on the grounds stated in the State Defendants’ Motion to Dismiss.

This motion is brought pursuant to Local Rule 7.7 and Rule 12(b)(6), Fed. R. Civ. P. and is based on the State Defendants’ Memorandum as well as, the Memorandum, Declaration and Exhibit attached hereto, the records and files herein and such further argument as may be made at the hearing on this motion.

DATED: Honolulu, Hawaii, May 2, 2023.

/s/ Robyn B. Chun

PATRICIA OHARA

ROBYN B. CHUN

Deputy Attorneys General

Attorneys for Defendants

The State of Hawaii, the Honorable

Kathleen Watanabe, the Honorable Randal

Valenciano, and Jonathan Chun,

Court-appointed Foreclosure Commissioner

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<sup>1</sup> The Second Amended Complaint is titled “60 Million Dollar Claim Under 42 U.S. Code Sec. 1983 Action for Deprivation of Civil Rights, Violation of Due Process, Conspiracy to Commit Real Estate Deed Fraud, Forgery, Wrongful Foreclosure, and Breach of Contract, and Conspiracy to Commit Utility Theft and Cross Connection Contamination of Our Drinking Water and This Claim is also for Obstruction of Justice Water” and will be referred to herein as the “Second Amended Complaint”.